



February 15, 2002

ENGROSSED SENATE BILL No. 10

DIGEST OF SB 10 (Updated February 13, 2002 11:59 AM - DI 106)

Citations Affected: IC 35-41.

Synopsis: Use of force to protect person. Specifies that a person may not be placed in legal jeopardy for using reasonable force to protect the person or a third person.

Effective: July 1, 2002.

**Meeks C, Hershman, Waterman,
Wyss**
(HOUSE SPONSOR — STURTZ)

November 20, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 24, 2002, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed.

February 1, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Judiciary.

February 14, 2002, reported — Do Pass.

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ES 10—LS 6005/DI 106+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 10

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-41-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person is
3 justified in using reasonable force against another person to protect
4 **himself the person** or a third person from what ~~he the person~~
5 reasonably believes to be the imminent use of unlawful force.
6 However, a person is justified in using deadly force only if ~~he the~~
7 **person** reasonably believes that that force is necessary to prevent
8 serious bodily injury to **himself the person** or a third person or the
9 commission of a forcible felony. No person in this state shall be placed
10 in legal jeopardy of any kind whatsoever for protecting **himself the**
11 **person** or ~~his family~~ **a third person** by reasonable means necessary.
12 (b) A person is justified in using reasonable force, including deadly
13 force, against another person if ~~he the person~~ reasonably believes that
14 the force is necessary to prevent or terminate the other person's
15 unlawful entry of or attack on ~~his the person's~~ dwelling or curtilage.
16 (c) With respect to property other than a dwelling or curtilage, a

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1 person is justified in using reasonable force against another person if
 2 ~~he the person~~ reasonably believes that the force is necessary to
 3 immediately prevent or terminate the other person's trespass on or
 4 criminal interference with property lawfully in ~~his the person's~~
 5 possession, lawfully in possession of a member of ~~his the person's~~
 6 immediate family, or belonging to a person whose property ~~he the~~
 7 **person** has authority to protect. However, a person is not justified in
 8 using deadly force unless that force is justified under subsection (a). ~~of~~
 9 ~~this section.~~

10 (d) Notwithstanding subsections (a), (b), and (c), ~~of this section,~~ a
 11 person is not justified in using force if:

12 (1) ~~he the person~~ is committing or is escaping after the
 13 commission of a crime;

14 (2) ~~he the person~~ provokes unlawful action by another person
 15 with intent to cause bodily injury to the other person; or

16 (3) ~~he the person~~ has entered into combat with another person or
 17 is the initial aggressor unless ~~he the person~~ withdraws from the
 18 encounter and communicates to the other person ~~his the~~ intent to
 19 do so and the other person nevertheless continues or threatens to
 20 continue unlawful action.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 10 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 5, Nays 3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 10, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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